

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

EDWARD R. and REBECCA M. FINLEY,)	
)	
Plaintiffs,)	
)	
vs.)	Civil No. 09-583-JPG-CJP
)	
JAY I. LIPOFF, M.D.,)	
)	
Defendant,)	
)	
and)	
)	
MOHAMMED MANSURI, M.D.,)	
)	
Respondent-In-Discovery.)	

NOTICE OF REMOVAL

Come now the United States of America and defendant Jay I. Lipoff, M.D., by their attorneys, A. Courtney Cox, United States Attorney for the Southern District of Illinois, and James M. Hipkiss, Assistant United States Attorney, and for their notice of removal pursuant to 28 U.S.C. § 2679(d)(2), state as follows:

1. Defendant Jay I. Lipoff is a defendant in a civil action now pending. A copy of the summons and complaint is attached as Exhibit A.
2. In the complaint, plaintiff alleges that defendant Jay I. Lipoff, M.D., committed medical negligence.
3. This action is removable pursuant to 28 U.S.C. § 2679(d)(2). Defendant Jay I. Lipoff, M.D., was at all relevant times acting within the scope of his employment for the United States of America, Department of Veterans Affairs. Pursuant to 28 U.S.C. § 2679(d)(2), the Attorney General,

through the United States Attorney, has certified that defendant Jay I. Lipoff, M.D., was acting within the scope of his office or employment with the United States of America, Department of Veterans Affairs, at the time the claim arose. See Exhibit B.

4. Upon certification, any civil proceeding in a state court shall be removed to the United States District Court, and such action shall be deemed to be against the United States as a substituted party. 28 U.S.C. § 2679(d)(2). Therefore, upon the certification, the case is removable.

5. Copies of the notice of removal are being served upon the plaintiff and the Office of the Clerk of the Circuit Court of the Fourth judicial Circuit, Williamson County, Illinois.

WHEREFORE, the United States of America and defendant Jay I. Lipoff, M.D., respectfully remove this action to the United States District Court for the Southern District of Illinois pursuant to 28 U.S.C. § 2679(d)(2).

Respectfully submitted,

A. COURTNEY COX
United States Attorney

/s/ James M. Hipkiss
JAMES M. HIPKISS
Assistant United States Attorney
Nine Executive Drive
Fairview Heights, IL 62208
Phone: (618) 628-3700
FAX: (618) 622-3810
E-mail: Jim.Hipkiss@usdoj.gov

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

EDWARD R. and REBECCA M. FINLEY,)	
)	
Plaintiffs,)	
)	
vs.)	Civil No. 09-583-JPG-CJP
)	
JAY I. LIPOFF, M.D.,)	
)	
Defendant,)	
)	
and)	
)	
MOHAMMED MANSURI, M.D.,)	
)	
Respondent-In-Discovery.)	

Certificate of Service

I hereby certify that on July 30, 2009, I electronically filed **Notice of Removal** with the Clerk of Court using the CM/ECF system. Copies were mailed to the following:

Honorable Stuart Hall
Circuit Clerk
Williamson County Courthouse
200 West Jefferson Street
Marion, IL 62959

William R. Tapella
Attorney for Plaintiff
P.O. Box 627
Mattoon, IL 61938-0627

Respectfully submitted,

A. COURTNEY COX
United States Attorney

/s/ James M. Hipkiss
JAMES M. HIPKISS
Assistant United States Attorney
Nine Executive Drive
Fairview Heights, IL 62208
Phone: (618) 628-3700
Fax: (618) 622-3810
E-mail: Jim.Hipkiss@usdoj.gov